



# Whistleblower Policy and Procedure



**Whiddon**

**Document Control**

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06.2018	New policy	PCM	1.0
10.2018	Updated policy with new contact details	PCM	1.1
01.2021	Updated policy with new contact details	EGMPC	3.0
07.2023	Updated policy new contact details and review completed	EGMPC	4.0

# Whistleblower Policy

## Introduction

Whiddon is committed to the highest standards of integrity, accountability and corporate compliance. Consistent with these standards, Whiddon’s support of ethical values and behaviour are set out in the Whiddon ‘Code of Conduct’.

The purpose of this policy is to complement the Code of Conduct and to support Whiddon’s commitment to high standards of ethical conduct and provide everyone working at Whiddon (and other eligible persons) with the means to speak up and report illegal, unethical or improper conduct as a Whistleblower, without fear of victimisation or personal disadvantage.

Ensuring Whiddon is a safe and enjoyable place to work for all employees is a priority of the Board and executive management team. To achieve this priority, it is important that all employees understand what ethical and respectful behaviour is in the workplace and what they can do to assist the consistent achievement of that behaviour.

## Application of Policy

This policy provides protection to Whistleblowers by establishing the mechanism for eligible persons to report their concerns as they relate to illegal, unethical or otherwise improper conduct in a safe, reliable and confidential way.

## Definition

The following words, acronyms and abbreviations are referred to in this document:

Term	Definition
<b>Whistleblower</b>	A person who discloses or reports serious wrongdoing or misconduct in accordance with this policy.
<b>Whistleblowing</b>	Disclosure by (or for) a witness, of actual or suspected wrongdoing or misconduct.
<b>Disclosure</b>	Any report of suspected unethical, illegal or improper behaviour within Whiddon
<b>Reportable Conduct</b>	Conduct which reveals: Corruption or illegal activities Theft, fraud or misappropriation Gross mismanagement, malpractice or other serious wrongdoing. Damage/sabotage, violence, drug or alcohol use Risk to the health and safety of employees and residents Inappropriate or unethical conduct Misuse of information Serious and substantial waste of company resources Causing financial or non-financial loss, or detriment to Whiddon Bullying, discrimination, victimisation, harassment or other unacceptable behaviour.

	Breach of Whiddon’s policies and procedures, or the Law. Collectively referred to as ‘Reportable Conduct’.
<b>Adverse Action</b>	Any actual, or threatened, dismissal, demotion, harassment, discrimination or victimisation or any other action that causes a detriment to a Whistleblower as a result of the Whistleblower making a disclosure or report under this policy.
<b>Whiddon Group</b>	Includes all associated entities of The Frank Whiddon Masonic Homes of NSW Ltd (as defined by the <i>Corporations Act 2001 (Cth)</i> ).
<b>Whistleblower Protection Officer (WPO)</b>	The person whom the report under this policy is made and who has a responsibility to safeguard the interests of the Whistleblower.
<b>Whistleblower Investigation Officer (WIO)</b>	The person charged with managing the investigation of matters raised by a Whistleblower. The WIO will be appointed by the WPO at their discretion.

## Scope

This policy applies to all current and former Whiddon employees, volunteers, directors, suppliers, contractors, consultants (or their employees, subcontractors or family members) (“Eligible Persons”) who have knowledge of or wish to report any suspected wrongdoing, unethical or improper behaviour related to the conducting of the business of Whiddon or its employees (“**Persons**”).

This policy does not apply to personal work-related grievances which are dealt with under the Whiddon ‘Employee Grievance Handling Policy’.

This policy does not apply to residents or their family members.

This policy does not form part of any contract of employment or any industrial instrument.

## Policy

### Reportable Conduct

For the purpose of this Policy, conduct that is **not** considered respectful, ethical or appropriate, and should be reported in good faith to Whiddon, includes but is not limited to conduct that is:

- dishonest;
- fraudulent;
- corrupt;
- illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property);
- in breach of Commonwealth or State legislation or local authority by-laws;
- unethical (representing a breach of Whiddon’s code of conduct, policies or generally);

- other serious improper conduct;
- an unsafe work practice;
- any behaviour that poses a serious risk to the health and safety of any person in the workplace or members of the public;
- representative of gross mismanagement, serious and substantial waste and/or a repeated breach of administrative procedures;
- any other conduct which may cause financial or non-financial loss to Whiddon or be otherwise detrimental to Whiddon's interests; and
- any behaviour or conduct that you consider may risk bringing Whiddon into disrepute or that you reasonably believe should be reported to management.

### **How to make a report**

In the first instance, prior to action under this policy, the Whistleblower is encouraged to follow normal reporting channels and discuss the matter with their immediate supervisor/manager. Also refer to the Employee Grievance Handling Policy for more information and details about other avenues available for resolving concerns or issues in the workplace.

If the nature of the matter is such that it is not appropriate to report through normal channels, or if the Whistleblower has a reasonable concern about doing so, or if the matter has been previously reported under normal channels, but the Whistleblower believes no appropriate action has been taken, the Whistleblower can contact the WPO directly to discuss the matter and lodge a report.

A Whistleblower may choose to report a matter anonymously; however they should recognise that anonymity may be inconsistent with natural justice for the person or persons that the complaint is made about and may severely hamper the investigation process. Anonymity may also mean that it is difficult to provide feedback on the status of the investigation to the Whistleblower and also to provide the protection afforded to Whistleblowers under this Policy.

Whistleblowers should ensure, as far as they are able that their report is factually accurate, complete, based on first-hand knowledge, without material omission and presented in an unbiased fashion. The report should be as detailed as practicable and include (but not be limited to):

- the exact nature of the alleged misconduct believed to have occurred
- when the alleged misconduct took place, if known
- who was involved in the alleged misconduct
- the names of witnesses who may know information that is relevant to investigating the alleged misconduct.

A Whistleblower disclosure or report under this policy may be made internally or externally. Whichever channel is used, the Whistleblower must have reasonable grounds to suspect illegal, improper or unethical misconduct has occurred.

Generally, a Whistleblower should refer to this policy or request protections under this policy when making a report. However, there may be instances where Whiddon determines that protections under this policy should apply or where protections automatically apply under applicable law.

### Internal Reporting

Whiddon encourages all eligible persons to report any conduct that may fit with the terms above as soon as they become aware of it.

Whistleblowers may raise issues of concern with any of the following internal Whiddon senior officers via email at the below address:

- [Whistleblower@whiddon.com.au](mailto:Whistleblower@whiddon.com.au)

Or via phone or in person as per the below contact details:

Whiddon Whistleblower Protection Officers (WPO)	
Name and position	Contact details
Jacky Hopwood: EGM People and Culture	Office Tel: 02 9827 6631
Alyson Jarrett: Deputy Chief Executive Officer	Office Tel: 02 9827 6621
Rebecca Adams: Chief Financial Officer	Office Tel: 02 9827 6703

The WPO's are the person/s to whom a report under this Policy is made and who has responsibility to safeguard the interests of the Whistleblower.

### External Reporting

If the matter is concerning a member of the Executive team, including the Chief Executive Officer or the Board of Directors and to maintain independence from Whiddon's operations, any eligible person can report their concerns directly to our Auditors, Stewart Brown via the below email address:

- [whiddonhomes@stewartbrown.com.au](mailto:whiddonhomes@stewartbrown.com.au)

### The Investigation Process

Once a Whistleblower report has been received by Whiddon, an investigation into the allegations will commence.

- Investigations will be carried out by the Whistleblower Investigation Officer (WIO), as appointed by the WPO, who will be fair and independent in their investigation. A person accused within or connected to the matter must not be the WPO or WIO. If the WPO or WIO believes he/she may have a conflict of interest by acting as WPO or WIO in the matter, he/she is to notify an alternative WPO who will ensure that the matter is addressed without conflict of interest.
- On receipt of information relating to any suspected wrongdoing or unethical behaviour in line with this Policy, the WPO, or, where appropriate, their delegate (including an independent third party

provider qualified to deal with such matters) will contact the Whistleblower to confirm details of the concern.

- The WPO will, depending on the nature and severity of the allegations, commence an investigation into the reported conduct themselves or where they consider it appropriate, appoint a WIO or specialist third party investigator to investigate the allegations.
- The choice of investigator is at the discretion of the WPO dealing with the matter.
- The WPO will acknowledge in writing the nature of the concern and will keep the Whistleblower informed regarding the progress of the investigation as far as is reasonably possible.
- If the investigation outcomes indicate that there is a case to answer by a person subject to the complaint, Whiddon's Disciplinary Procedure may be applicable. If necessary, external bodies such as the NSW Police Department, the Australian Securities and Investment Commission, the Aged Care Complaints Scheme, or the Australian Health Practitioner Regulation Agency (AHPRA) may also be involved as appropriate. The Whistleblower will not be subject to disciplinary or other adverse action against them except in circumstances where they have knowingly or maliciously made a false complaint.
- In certain cases, for example suspected fraud, it may be necessary to keep details of the complaint confidential from everyone except on a 'needs to know' basis until evidence has been gathered or the investigation is underway.
- Where appropriate, for example where there is a potential risk to resident care or employee safety, the person/s alleged to have committed the wrongdoing may be suspended from duty pending investigation. Similarly, if the allegations are of such a serious nature that it would be inappropriate to have the person/s continue to perform their duties while an investigation takes place, they may also be suspended. Where a person is suspended while an investigation takes place, no inference of wrongdoing or assumed guilt will or should apply.
- As soon as practicable after the investigation is concluded, the WIO will prepare a report providing a summary of the facts of the suspected misconduct and of the findings of the investigation (i.e., whether the misconduct was substantiated or unsubstantiated). The report shall be provided to the WPO who shall ensure that appropriate measures are taken in light of the findings in the report, which may include notification to regulatory and/or enforcement agencies.
- The WPO will take all reasonable steps to ensure that anyone who reports a person under this policy does not get exposed to any victimisation, harassment or bullying as a result of reporting behaviour under this policy.
- The WPO will provide a brief explanation to the Whistleblower concerning the results of the investigation and the actions taken. For confidentiality reasons, the feedback may not include details of the precise nature of any formal action that may be taken.

## Whistleblower Protection

Eligible Persons who make a report under this policy for eligible 'Reportable Conduct' are entitled to protections under the Corporations Act. Where reports are made under this policy that do not relate to 'Reportable Conduct' for e.g., work related grievances protections under the Corporation Act do not apply.

Whiddon will always endeavour to support a Whistleblower through the process and after the matter has been finalised. No adverse action will be taken by Whiddon against a Whistleblower

in relation to an allegation made in good faith, which is either substantiated or not substantiated by subsequent investigation. However, disciplinary action (including termination) may be taken against an individual found to be making false, misleading, malicious or vexatious allegations.

If a person makes a report of alleged or suspected wrongdoing under the Whistleblowing Policy, Whiddon will make every effort to protect the anonymity of the Whistleblower; however, there may be situations where anonymity cannot be guaranteed. In such situations, the Whistleblower will be fully briefed. Generally, Whiddon will not disclose the person's identity unless:

- the person making the report consents to the disclosure;
- the disclosure is required or authorised by law;
- the disclosure is necessary to further and appropriately investigate the matter;
- the disclosure is necessary to prevent or lessen a serious threat to a person's safety; and/or
- it is necessary to protect or enforce Whiddon's legal rights or interests or to defend any claims.

Generally, reports made under the Whistleblowing Policy will be treated confidentially.

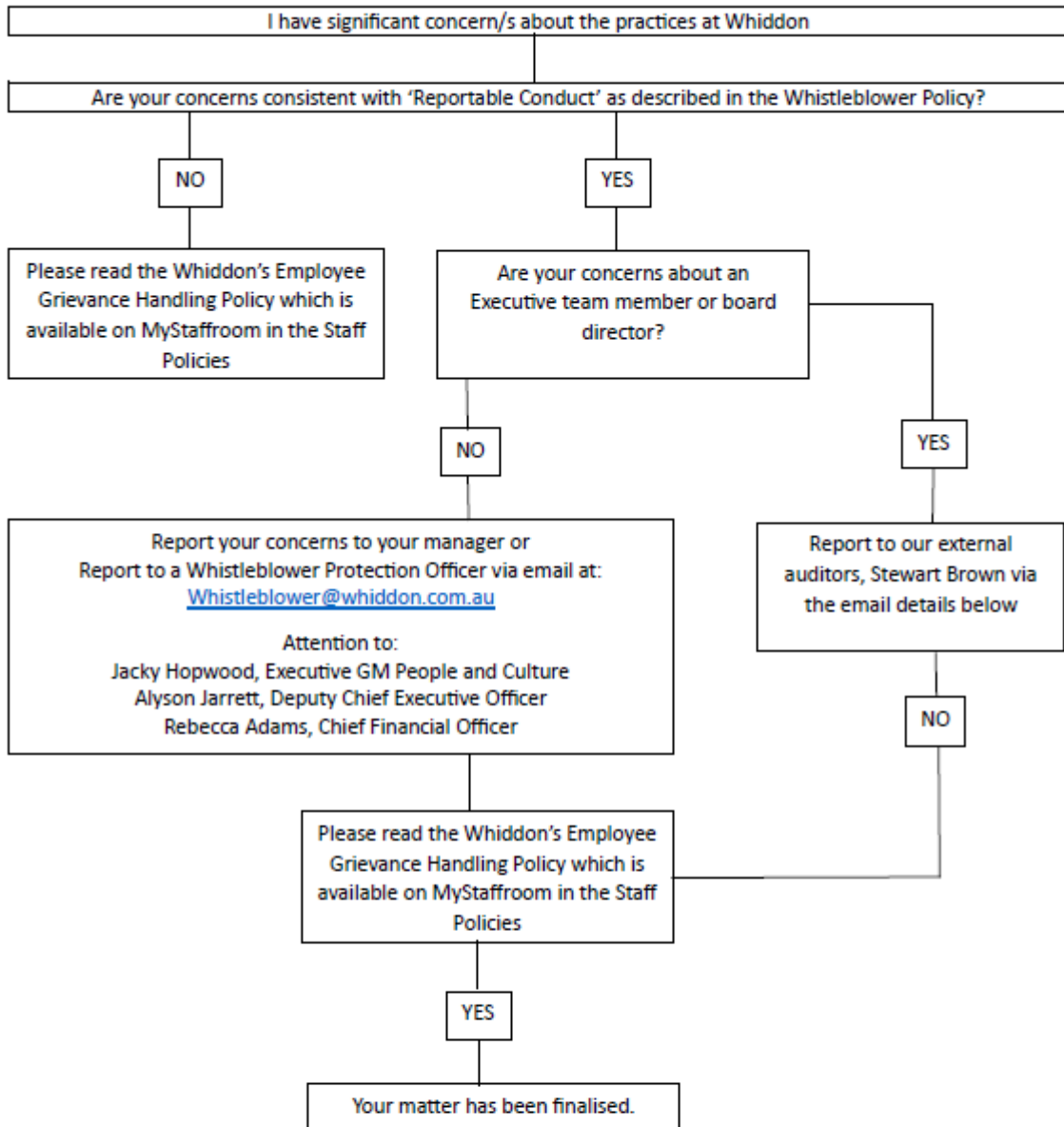
However, when a report is investigated it may be necessary to reveal its substance to people such as other Whiddon personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.

All reasonable measures will be taken to ensure that the identity of the Whistleblower is not unnecessarily disclosed. If this is a concern for the Whistleblower, they are encouraged to discuss this with the person investigating the matter.

### Related policies/documentation

- Code of Conduct
- Bullying and Harassment Policy
- Employee Grievance Handling Policy
- Employee Assistance Program (EAP)

## Whiddon Whistleblower Procedure



**Whistleblower Protection Officers (WPO)**

**Internal contact details:**  
Please contact our internal WPOs via [whistleblower@whiddon.com.au](mailto:whistleblower@whiddon.com.au) or directly via phone as follows:

Jacky Hopwood:	EGM People and Culture	Phone: 02 9827 6631
Alyson Jarrett:	Deputy Chief Executive Officer	Phone: 02 9827 6627
Rebecca Adams:	Chief Financial Officer	Phone: 02 9827 6703

**External Contact Details:**  
Please contact our external auditors, Stewart Brown via the email to: [whiddonhomes@stewartbrown.com.au](mailto:whiddonhomes@stewartbrown.com.au)